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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
10 091,055	03 04 2002	Joseph L. Dallas	CVI-0006	6712

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EXAMINER

WOOD, KEVIN S

ART UNIT PAPER NUMBER

2874

DATE MAILED: 07 31 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/091,055

Applicant(s)

DALLAS ET AL.

Examiner

Kevin S Wood

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 11, 13, 14, 16, 18, 20, 21, 28, 30, 31 and 33 is/are rejected.
- 7) ☒ Claim(s) 2, 5-10, 12, 15, 19, 22-27, 29 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 6) ☐ Other: 3 in He

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because the drawings are informal. The drawing are suitable for examination purposes only. New formal drawings will be required when the application is allowed.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **4**. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:  
**44**. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 4, 11, 13, 14, 16, 18, 20, 21, 28, 30, 31 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0110328 to Bischel et al.

Referring to claims 1, 3, 4, 11, 13, 14 and 16, Bischel et al. discloses all the limitations of the claimed invention. Bischel et al. discloses an adhesive, where: the adhesive is used for bonding an optoelectronic device (210,215) within a hermetically sealed package, the adhesive selected to limit the outgassing of organic molecules in a cured state. See Fig. 2 and Fig. 3, along with their respective portions of the specification. Paragraph [0101] discloses the use of a low outgassing adhesive that is a thermal-curing or UV curing epoxy. Paragraph [0108] discloses that the laser assembly should be hermetically sealed within a butterfly type package.

Referring to claims 18, 20, 21, 28, 30, 31 and 33, Bischel et al. discloses all the limitations of the claimed invention. Bischel et al. discloses a hermetically sealed package having an optoelectronic device (210,215) bonded therein comprising: a housing configured to form a hermetic seal; an optoelectronic device (210,215) disposed within the hermetically sealed package; and a low outgassing adhesive bonding the optoelectronic device within the package, the adhesive selected to limit the outgassing of organic molecules in a cured state. See Fig. 2 and Fig. 3, along with their respective portions of the specification. Paragraph [0101] discloses the use of a low

outgassing adhesive that is a thermal-curing or UV curing epoxy. Paragraph [0108] discloses that the laser assembly should be hermetically sealed within a butterfly type package.

***Allowable Subject Matter***

6. Claim 17 is allowed.
7. Claims 2, 5-10, 12, 15, 19, 22-27, 29 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter:

Referring to claims 2, 17 and 19, the prior art does not disclose an invention including the combination of all the limitations as claimed. The prior art does not to disclose an adhesive for bonding an optoelectronic device within a hermetically sealable package, where the low outgassing adhesive includes low volatile organic compounds (VOC), the low VOC have a percent weight loss of less than about 0.5% at a temperature of up to about 120°F (48.9°C).

Referring to claims 5-10, the prior art does not disclose an invention including the combination of all the limitations as claimed. The prior art does not to disclose an adhesive for bonding an optoelectronic device within a hermetically sealable package, where the epoxy adhesives further comprise at least one component having one of an

aliphatic, a cycloaliphatic, and an aromatic backbone containing more than one aliphatic oxirane group capable of being polymerized.

Referring to claim 12, the prior art does not disclose an invention including the combination of all the limitations as claimed. The prior art does not to disclose an adhesive for bonding an optoelectronic device within a hermetically sealable package, where a curing agent includes one of primary, secondary or tertiary amines and polyamines, substituted ureas, carboxylic acids, anhydrides, phenols, polyamides, formaldehyde resins, polycarboxylic acid polyesters, Lewis acids and bases, polysulfides, polymercaptans, phenol novolac resin, and combinations including at least one of the forgoing.

Referring to claims 15, the prior art does not disclose an invention including the combination of all the limitations as claimed. The prior art does not to disclose an adhesive for bonding an optoelectronic device within a hermetically sealable package, where the adhesive bonds a cover to the hermetically sealable package, forming an air tight package.

Referring to claims 22-27, the prior art does not disclose an invention including the combination of all the limitations as claimed. The prior art does not to disclose an a hermetically sealable package having an optoelectronic device bonded therein, where the epoxy adhesives further comprise at least one component having one of an aliphatic, a cycloaliphatic, and an aromatic backbone containing more than one aliphatic oxirane group capable of being polymerized.

Referring to claim 29, the prior art does not disclose an invention including the combination of all the limitations as claimed. The prior art does not to disclose an a hermetically sealable package having an optoelectronic device bonded therein, where a curing agent includes one of primary, secondary or tertiary amines and polyamines, substituted ureas, carboxylic acids, anhydrides, phenols, polyamides, formaldehyde resins, polycarboxylic acid polyesters, Lewis acids and bases, polysulfides, polymercaptans, phenol novolac resin, and combinations including at least one of the foregoing.

Referring to claim 32, the prior art does not disclose an invention including the combination of all the limitations as claimed. The prior art does not to disclose an a hermetically sealable package having an optoelectronic device bonded therein, where the adhesive bonds a cover to a package wall forming an air tight package.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin S Wood whose telephone number is (703) 605-5296. The examiner can normally be reached on Monday-Thursday (7am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B Bovernick can be reached on (703) 308-4819. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 307-0956.

KSW  
July 17, 2003

*Sam Hee J*